

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
NOEL A. SALDANA AND JESSICA SALDANA, husband and wife and their marital community,	No.
Plaintiffs,	NOTICE OF REMOVAL (CLERK'S ACTION REQUIRED)
v.	
CITY OF LAKEWOOD, a municipal corporation, and JAMES SYLER, in his official capacity and individual capacity and JANE DOE SYLER, and their marital community,	Defendants.

TO: CLERK OF THE COURT, UNITED STATES DISTRICT COURT, Western District of Washington at Tacoma;

AND TO: NOEL SALDANA AND JESSICA SALDANA, Plaintiffs;

AND TO: ERIK L. BAUER, Attorney for Plaintiffs

COME NOW Defendants City of Lakewood, James Syler and Jane Doe Syler, by and through their attorneys of record, Stewart A. Estes and Keating, Bucklin & McCormack, Inc., P.S., and hereby remove to the United States District Court, Western District of Washington at Tacoma, the stated court action described below. This notice of removal is pursuant to 28 U.S.C. § 1441, § 1443, and § 1446.

1. The above-entitled action was filed in the Superior Court of the State of Washington for Pierce County, Cause Number 11-2-15723-2.

NOTICE OF REMOVAL - 1

Cause No.

1 2. Jurisdiction of this Court is based on 28 U.S.C. §1331, 28 U.S.C. §1343, 28
2 U.S.C. §1367, 28 U.S.C. §1441, and/or 28 U.S.C. §1443, and Plaintiff's claims for alleged
3 violations of rights as secured under the Constitution and laws of the United States.

4 3. Paragraphs 4.4 and 4.5 of *Plaintiff's Complaint for Damages* allege:

5 In this manner, the force used by defendant to subdue and seize
6 Mr. Saldana was excessive under the facts and circumstances as
7 they were known to the officer. The conduct of defendant Syler
8 was unreasonable and violated Mr. Saldana's rights under the
9 Fourth Amendment to the United States Constitution and under
10 42.U.S.C. § 1983.

11 As a result of the acts of the Defendant, Plaintiffs have suffered,
12 and continue to suffer, injury to body and mind, pain, emotional
13 distress, disfigurement, disability, and are entitled to relief under
14 42.U.S.C. §1983.

15 4. All Defendants join in this Notice.

16 5. With the filing of this Notice of Removal with the U.S. District Court, the
17 Defendants will pay the federal court filing and removal fee.

18 6. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all pleadings
19 previously filed and served on or by these Defendants are attached hereto as follows:

20 A. Summons to Defendants;

21 B. Complaint for Damages;

22 C. Case Information Cover Sheet and Area Designation;

23 D. Order Setting Civil Case Schedule;

24 E. Declaration of Service of Summons and Complaint for Damages,
25 Order Setting Case Schedule, Case Cover Sheet/Civil Cases on
26 James Syler;

27 F. Declaration of Service of Summons and Complaint for Damages,
28 Order Setting Case Schedule, Case Cover Sheet/Civil Cases on
29 City of Lakewood, A Municipal Corporation;

30 NOTICE OF REMOVAL - 2

31 Cause No.

32 K:\SAE\Lakewood adv. Saldana WCIA 11179\Pleadings\Removal\p-
33 122811-Notice of Removal.doc

34 KEATING, BUCKLIN & MCCORMACK, INC., P.S.

35 ATTORNEYS AT LAW
36 800 FIFTH AVENUE, SUITE 4141
37 SEATTLE, WASHINGTON 98104-3175
38 PHONE: (206) 623-8861
39 FAX: (206) 223-9423

G. Case Reassignment letter; and

H. Defendants' Notice of Appearance.

Defendants respectfully reserve any and all affirmative defenses.

RESPECTFULLY SUBMITTED this 28th day of December, 2011.

KEATING, BUCKLIN & McCORMACK, INC., P.S.

s/ Stewart A. Estes

Stewart A. Estes, WSBA #15535
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Attorney for Defendants City of Lakewood
James Syler and Jane Doe Syler

NOTICE OF REMOVAL - 3

Cause No.

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